

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

| | | |
|--------------------------|---|---------------------------------|
| UNITED STATES OF AMERICA | § | |
| | § | |
| v. | § | CRIMINAL ACTION NO. 4:05-CR-198 |
| | § | |
| JOHN COBURN | § | |

**REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE**

Now before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on November 22, 2017, to determine whether Defendant violated his supervised release. Defendant was represented by Robert Arrambide. The Government was represented by Maureen Smith.

John Coburn was sentenced on July 18, 2006, before the United States District Judge Ron Clark of the Eastern District of Texas after pleading guilty to the offense of Conspiracy to Manufacture, Distribute or Possess with Intent to Manufacture, Distribute or Dispense, a Class A felony. This offense carried a statutory maximum imprisonment term of life. The guideline imprisonment range, based on a total offense level of 33 and a criminal history category of IV, was 188 to 235 months. He was subsequently sentenced to 110 months imprisonment followed by a 5 year term of supervised release subject to the standard conditions of release, plus special conditions to include financial disclosures, substance abuse testing and treatment, credit restrictions, and a \$100 special assessment. On July 11, 2014, John Coburn completed his period of imprisonment and begin service of the supervision term.

On January 16, 2013, this case was reassigned to the Honorable Marcia A. Crone, United States District Judge for the Eastern District of Texas.

On October 23, 2017, the U.S. Probation Officer executed a Petition for Warrant or Summons for Offender Under Supervision [Dkt. 475 Sealed]. The Petition asserted that Defendant violated four (4) conditions of supervision, as follows: (1) Defendant shall not commit another federal, state, or local crime; (2) Defendant shall refrain from any unlawful use of a controlled substance; (3) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician; and (4) Defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the United States Probation Office, until such time as the defendant is released from the program by the probation officer.

The Petition alleges that Defendant committed the following acts: (1) On May 24, 2016, Mr. Coburn committed the Class B misdemeanor offense of Driving While Intoxicated. He was released on May 25, 2016, after posting a \$1,500 bond. As of this writing, this case remains pending under Docket No. CR-2016-10942-E, in the Denton County Criminal Court #5; (2) Mr. Coburn submitted positive urine specimens for methamphetamine on February 15, September 6, and 15, 2017. All tests were confirmed through laboratory testing; (3) and (4) Mr. Coburn failed to submit random urine specimens at McCary Counseling Services, in Denton, Texas, as part of the United States Probation Office's random drug testing program on June 28; July 5, and 24; September 11, and 25; and October 6, 11, and 16, 2017.

Prior to the Government putting on its case, Defendant entered a plea of true to allegations two (2), three (3) and four (4) of the Petition. Having considered the Petition and the plea of true to allegations two (2), three (3) and four (4), the Court finds that Defendant did violate his

conditions of supervised release. The Government dismisses allegation one (1) against the Defendant.

Defendant waived his right to allocate before the District Judge and his right to object to the report and recommendation of this Court.

RECOMMENDATION

Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant's supervised release be revoked and that he be committed to the custody of the Bureau of Prisons to be imprisoned for a term of twelve (12) months plus one (1) day with no term of supervised release to follow.

The Court also recommends that Defendant be housed in the Men's facility in Fort Worth, Texas, if appropriate.

SIGNED this 22nd day of November, 2017.



Christine A. Nowak
UNITED STATES MAGISTRATE JUDGE